

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KAREN BARRETT,

Civ. Act. No.: 10-CV-4600 (AKH)

Plaintiff,

-against-

NOTICE OF MOTION

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

DOCUMENT
ELECTRONICALLY FILED

Defendant.

-----X

PLEASE TAKE NOTICE that, upon the Declaration of Deanie Wallis dated March 22, 2011 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated March 21, 2011, the Declaration of Michael H. Bernstein, Esq. dated March 29, 2011 and the exhibits annexed thereto, the Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, HARTFORD LIFE INSURANCE COMPANY incorrectly sued herein as Hartford Life And Accident Insurance Company (“Hartford”), by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Alvin K. Hellerstein, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, Courtroom 14D, New York, New York 10007 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing plaintiff’s Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 (“ERISA”) §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), with prejudice on the grounds that Hartford’s decision to deny her claim for long term disability (“LTD”) benefits under the governing ERISA plan was not arbitrary and capricious and for such other and further relief this Court deems just and proper.

Dated: New York, New York
March 29, 2011

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)
JOHN T. SEYBERT (JS 5014)
DANIEL M. MEIER (DM 2833)
SEDGWICK, DETERT, MORAN & ARNOLD LLP
125 Broad Street, 39th Floor
New York, New York 10004-2400
Telephone: (212) 422-0202
Facsimile: (212) 422-0925
(SDMA File No. 02489-000082)
Attorneys for Defendant
HARTFORD LIFE INSURANCE COMPANY

To: Scott M. Riemer, Esq. (SR 5005)
RIEMER & ASSOCIATES LLC
60 East 42nd Street, Suite 1750
New York, New York 10165
Telephone: (212) 297-0700
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served **via ECF** and **via regular mail** on March 29, 2011, upon the following:

Scott M. Riemer, Esq. (SR 5005)
RIEMER & ASSOCIATES LLC
60 East 42nd Street, Suite 2430
New York, New York 10165
Tel.: (212) 297-0700

Dated: New York, New York
March 29, 2011

s/_____
DANIEL M. MEIER (DM 2833)